

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
August 14, 2012**

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck, Vice Chair
Bucky Couch
Chris Wood
Corey Carothers
Randy Bryan
Kenneth Ehlers
Carter Morris

City Staff:

Matthew Lewis, Development Services Director
Kristy Stark, Development Services Assistant Director
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
Alison Brake, Planner
John Stanley, Planner
Emily Koller, Planning Tech

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday August 14, 2012, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Taylor welcomed audience and viewers.

4. NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

5. 30 Minute Citizen Comment Period

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on July 24, 2012.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Morris, the Commission voted on consent to approve the minutes from the Regular Meeting on July 24, 2012. The motion carried unanimously.

Public Hearings:

7. CUP-12-28 (HEB Cafe) Hold a public hearing and consider a request by HEB Beverage Company, L.L.C., on behalf of HEB Grocery Company LP, for a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption in the café at HEB Food Store #243, located at 641 E. Hopkins Street.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Bryan, the Commission voted on consent to approve CUP-12-28 with the conditions that the permit shall be valid for the life of the TABC Permit, provided standards are met, subject to the point system, the permit shall not be valid until an approved TABC Permit is issued to the applicant and a copy is submitted to the Director, the permit shall not become effective until a Certificate of Occupancy is received, and live music shall end when the café closes at 9:00 p.m. The motion carried unanimously.

8. ZC-12-07 (302 W. San Antonio St.) Hold a public hearing and consider a request by the City of San Marcos for a Zoning Change from SmartCode-CS (Civic Space) to SmartCode-T5 (Urban Center) for an approximately 0.235 acre site located at 302 W. San Antonio Street, in the Original Town of San Marcos, Block 18, Lot 1.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Seebeck, the Commission voted on consent to approve ZC-12-07 as submitted. The motion carried unanimously.

9. ZC-12-08 (100 E. MLK Dr.) Hold a public hearing and consider a request by the City of San Marcos for a Zoning Change from SmartCode-CS (Civic Space) to SmartCode-T5 (Urban Center) for an approximately 2.328 acre site located at 100 E. MLK Drive, in the J.S. Travis Survey, Block 1.

Chair Taylor opened the public hearing. Ollie Giles, 524 Valley Street, inquired on what the city was going to do on Martin Luther King. She noted that development is nearing the Dunbar neighborhood. She explained that the corner of Martin Luther King and LBJ is reserved for a Martin Luther King statue. Ms. Giles asked the Commission to be very particular on what they are going to use the building for because the corner is very important to them. In addition, she told the Commission to be careful what they put on Martin Luther King. Ronnie Vasquez, 317 N. Fredericksburg Street asked for an explanation of T5, T4, SmartCode zoning. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Seebeck, the Commission voted seven (7) in favor and one (1) opposed to approve ZC-12-08. The motion carried.

10. ZC-12-09 (301 N. Guadalupe St.) Hold a public hearing and consider a request by the City of San Marcos for a Zoning Change from SmartCode-CS (Civic Space) to SmartCode-T5 (Urban Center) for an approximately 0.935 acre site located at 301 N. Guadalupe Street, in the Original Town of San Marcos, Block 25 and part of Farm Lot 22.

Commissioner Morris recused.

Chair Taylor opened the public hearing. Erwin Janek, 403 Oakridge Drive expressed his concerns regarding insufficient parking. Ronnie Vasquez, 317 N. Fredericksburg Street stated that he is in support of the downtown zoning change. He feels that there will not be a parking issue.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Seebeck, the Commission voted all in favor to approve ZC-12-09. Commissioner Morris recused himself from the discussion and vote. The motion carried.

11. LDC-12-12 (Subdivision Improvements Bond) Hold a public hearing and consider an amendment to Section 1.6.6.4 of the City's Land Development Code to add a performance bond as an authorized form of security for completion of public improvements required to serve a subdivision or development.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Bryan and a second by Commission Seebeck, the Commission voted all in favor to approve LDC-12-12, Subdivision Improvement Bond.

12. LDC-12-13 (SmartCode Architectural Standards) Hold a public hearing and discuss various revisions to Subpart C of the City Code (the SmartCode) including modifying the signage and lighting standards and adding architectural requirements.

Nore Winter, Winter and Company, gave a brief presentation of the proposed SmartCode Architectural Standards.

Chair Taylor opened the public hearing. Diana Baker, 727 Belvin thanked the Commission for moving forward and considering the Architectural Standards. She added that the architectural standards will be a huge benefit for San Marcos. Ms. Baker pointed out that the cost will not be extra but the standards will benefit property values in a big way. She thanked the Commission for thinking about the aesthetics of downtown.

Andy Algava said he lives in Austin and owns property in San Marcos. He commended the Planning Department for the enlightened piece of work that has been accomplished. Mr. Algava said he has attended several Council and Planning Commission meetings and the level of headedness and the dialogue that occurs is impressive. He thanked the Commission for what they have accomplished and feels it will make downtown look nicer and better.

Ollie Giles, 524 Valley Street said she hopes that the University does not move closer to downtown. Ms. Giles added that she hopes that the University does not buy the old post office building. She added with all the trailers and things downtown, that is not downtown San Marcos. She told the Commission to be careful. There were no additional citizen comments and the public hearing was closed.

Non Consent Agenda:

13. Discuss and consider the rescheduling of the following Regular Meeting Dates, and provide direction to staff:

October 9, 2012 due to American Planning Association Conference

November 27, 2012 due to Thanksgiving Holiday

December 25, 2012 due to Christmas Holiday

The Commission discussed and directed staff to cancel the December 25, 2012 meeting. Chair Taylor advised that a Special Meeting can be scheduled if necessary.

14. Development Services Report

- a. Update from staff on Comprehensive Plan
- b. Fee Update


Matthew Lewis gave an update on the upcoming meetings for the Comprehensive Plan and Fee Update.

15. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

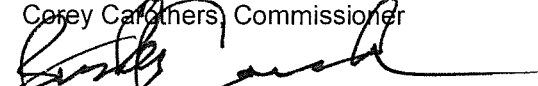
There were no questions from the press and public.

16. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 7:20 p.m. on Tuesday, August 14, 2012.


Bill Taylor, Chair


Corey Carothers, Commissioner


Bucky Couch, Commissioner


Randy Bryan, Commissioner

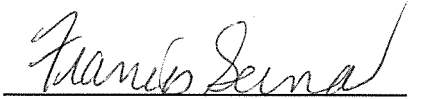

Curtis Seebeck, Commissioner


Kenneth Ehlers, Commissioner


Chris Wood, Commissioner


Carter Morris, Commissioner

ATTEST:


Francis Serna, Recording Secretary

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY

STATE OF TEXAS
COUNTY OF HAYS

The undersigned member of the City of San Marcos City Board, (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in a business entity that may be involved in a vote or decision of the governmental body described above, and the vote or decision may have a special economic effect on the business entity that is distinguishable from the effect on the public. The name of the business entity is

26-12-09

The nature and extent of my interest in the business entity is as follows: (check all that apply)

☐ Ownership of 10 percent or more of the voting stock or shares of the business entity.

☐ Ownership of 10 percent or more of the fair market value of the business entity.

☐ Ownership of \$5,000 or more of the fair market value of the business entity.

☐ Funds received by me from the business entity exceed 10 percent of my gross income for the previous year.

☐ The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation.

X Client who has offer on property / Appearance

The vote or decision involving this interest is on _____, 20____ agenda of the governmental body, and is described as follows: _____

EXECUTED this 14 day of August, 2012.

Signature _____

Printed Name Clark Morris

SWORN TO AND SUBSCRIBED before me on the 14 day of August, 2012.

Notary Stamp:

Francis Serna
Notary Public
State of Texas

FILED this 16 day of August, 2012.

Samuel Pethigler
City Clerk of the City of San Marcos

